IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 64 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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DHAULGIRI INVESTMENTS PVT. LTD

Versus

COMMISSIONER OF INCOME TAX

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Appearance:

1. INCOME TAX REFERENCE No. 64 of 1992

MR RK PATEL for Petitioner No. 1

MR MANISH R BHATT for Respondent No. 1

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CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE K.A.PUJ

Date of decision: 17/07/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this reference at the instance of the assessee, the following question is referred for our opinion in respect of assessment year 1983-84:-

"Whether on the facts and in the circumstances of the case, the Tribunal is right in law in coming to the conclusion that short provision for taxation of earlier years is not required to be deducted while computing the distributable income for the purpose of levy of tax u/s.104 of the Act?"

2. We have heard Mr RK Patel, learned counsel for the applicant- assessee and Mr Manish R Bhatt, learned Sr. Standing Counsel for the revenue.

3. Having gone through the order of the Assessing Officer, the appellate order and the Tribunal's order and having regard to the smallness of the amount, we decline to answer the question referred for our opinion.

4. The Reference accordingly stands disposed of with no order as to costs.

(M.S. Shah,J) (K.A. Puj,J)

zgs/-